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Date: 12/10/01
Name: Agnes A. Sullivan
Signature: Agnes A. Sullivan
Clifford Chance Rogers & Wells LLP

Docket No. 3499-59

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mancini et al.

Filed: March 16, 2000 Group Art Unit: 2768

Serial No: 09/526,606 Examiner: n/a

For: ONLINE SALES RISK MANAGEMENT SYSTEM

RECEIVED

FEB 05 2002

Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is a request for a Renewed Petition to Make Special (on grounds of Accelerated Examination) for the above-identified application.

A check in the amount of _____ is enclosed

The Commissioner is authorized to charge the \$0 petition fee to Deposit Account No. 50-0521. Please charge any additional fees for this Petition or credit any overpayments to Deposit Account No. 50-0521

A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dona C. Edwards

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Reg. No. 42,507

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#9

CERTIFICATE OF MAILING

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Date: 1/21/01
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Filed: March 16, 2000

Group Art Unit: 2768

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Serial No: 09/526,606

Examiner: n/a

Technology Center 2100

For: ONLINE SALES RISK MANAGEMENT SYSTEM

RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102

Commissioner for Patents
Washington, D.C. 20231

Sir:

In an Office Action dated October 11, 2001, the Petition to Make Special for the above-identified application was denied by the Special Program Examiner. Pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. 708.02(VIII): Accelerated Examination, the petitioners hereby respectfully request reconsideration of the Petition to Make Special.

Specifically the Office Action stated that the Petitioners submission was deficient because it did not comply with (B) requiring a statement regarding making an election without traverse if the claims are not directed to a single invention; and (E) a detailed discussion of the references pointing out with particularity how the claimed subject matter is patentable over the references.

With regard to (B), the Petitioners present all claims directed to a single invention, or if the Patent and Trademark Office (USPTO) determines that all of the claims are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

With regard to (E), the following documents are enclosed in support of reconsideration of this Petition:

1. A detailed discussion of the references pointing out how the claimed subject matter is patentable over the references.

The Commissioner is hereby authorized to charge any additional fees for the Petition to Make Special as set forth in 37 C.F.R. § 1.17(i), or to credit any overpayments in connection with this communication, to Deposit Account No. 50-0521. A duplicate copy of this Petition is enclosed herewith.

Accordingly, it is respectfully requested that the U.S. Patent and Trademark Office reconsider granting the Petition to Make Special for the above-identified application.

Respectfully submitted,

Date: December 10, 2001


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DISCUSSION OF REFERENCES

U.S. Patent 5,557,518 ('518)

The '518 patent to Rosen is entitled "Trusted Agents For Electronic Commerce," and issued on September 17, 1996. The '518 patent describes a system for open electronic commerce having a customer trusted agent securely communicating with a first money module, and a merchant trusted agent securely communicating with a second money module. The system allows both the customer and merchant to feel secure that their interests are being served in electronic merchandise or services transactions. In addition, the system provides for the exchange of dissimilar currencies in relation to an agreed upon exchange rate. The '518 patent does not disclose a method and system for implementing a predetermined currency price for on-line sales which are transacted within a predetermined time period thereby limiting the risk associated with transacting commerce utilizing different currencies. Nor does the '518 patent disclose specifying a base currency, receiving a price denominated in a currency other than the base currency and displaying the information received denominated in the base currency in an online transaction. Nor does the patent disclose computer executable code comprising instructions for causing a computer perform these functions. '518 also does not disclose a computer system for providing online transactions which creates a transaction forum, presents a request for bids on the forum, receives data descriptive of the transaction and then calculates a currency exchange according to an entered price and the data as claimed in the above-identified application.

U.S. Patent 5,787,402 ('402)

The '402 patent to Potter et al. is entitled "Method And System For Performing Automated Financial Transactions Involving Foreign Currencies," and issued on July 28, 1998. The '402 patent describes a method and system for performing automated financial transactions involving at least two currencies at real-time market rates between a customer and a financial institution. In addition, a customer may request a spot rate and terms for a specific buy or sell currency entered into the system, and upon availability, a rate server may send the rate quote to an FX trade server; the FX trade server, in turn, stores a time-stamped copy of the rate quotation with a unique reference number; and then relays the requested rate quotation to a customer PC as adjusted by pre-determined criteria in the FX trade server. Furthermore, when a rate is received, the term of the currency will be displayed by the client PC for a specified time period (5-15 seconds), and provides a customer with an opportunity accept the rate by choosing the "Trade" button on screen. Furthermore, if the customer does not accept the rate within the specified time period, then, upon request, the rate server via the FX trade server will send an updated rate to the customer PC for the customer to accept or not accept, according to currency rate changes at any time past the specified time. In closing, the system automatically generates a currencies exchange offer in response to a customer's entry based upon parameters including: market price, size and nature of the transaction, and the size and nature of the customer. The '402 patent does not disclose a method and system for implementing a predetermined currency price for on-line sales between an e-commerce participant and a consumer which are transacted within a predetermined time period thereby limiting the risk associated with transacting commerce utilizing different currencies. Nor does the '402 patent disclose creating a transaction forum, entering a need into a transaction forum and receiving information descriptive of a need, wherein the information includes a price denominated in a currency other than the base currency in an online transaction. Furthermore, the '402 patent does not disclose a computer executable code comprising instructions for causing a computer perform these functions or software stored on a server and executable on demand via a network access device as claimed in the above-identified application.

U.S. Patent 6,205,433 B1 ('433)

The '433 patent to Boesch et al. is entitled "System And Method For Multi-Currency Transactions," and issued on March 20, 2001. The '433 patent describes a system and method for determining approval of a multi-currency transaction between a customer and a merchant over a network. In addition, the merchant and customer computers each include, respectively, a data set containing a product price at which the merchant agrees to sell the product in a merchant specified currency, and a data set which contains an amount the customer is willing to pay the merchant for a product in a customer specified currency. Furthermore, a centralized server, upon receipt of the first data set and the second data set, converts the amount in the first currency into a converted amount in the second currency, and approves the transaction if the converted amount in the second currency is within the risk range of the product price in the second currency in accordance with the current exchange rates. In closing, interactive purchase sessions are of limited duration, and governed by predetermined parameters wherein the customer and merchant each have their own independent sessions (limited amount of electronic funds ("session amount"), a maximum amount of time that the session can last, and a maximum number of transactions that can be conducted). The '433 patent does not disclose a method and system to implement a predetermined currency price for on-line sales which are transacted within a predetermined time period. Nor does the '433 patent disclose receiving data descriptive of the transaction involving the currency wherein currency is exchanged according to the received data and an entered exchange price for foreign currency. The '433 patent also does not disclose entering a need into a transaction forum, receiving information descriptive of the need wherein the information includes a price in a currency other than the base currency and is displayed in the base currency. Nor does the '433 patent disclose computer executable code comprising instructions for causing a computer perform these functions or software stored on a server and executable on demand via a network access device. '433 also does not disclose a computer system for providing online transactions which creates a transaction forum, presents a request for bids on the forum, receives data descriptive of the transaction and then calculates a currency exchange according to an entered price and the data as claimed in the above-identified application.

U.S. Patent 6,249,770B1 ('770)

The '770 patent to Erwin et al. is entitled Method And System Of Financial Spreading And Forecasting," and issued on June 19, 2001. The '770 describes an aggregated emerging markets global risk analysis method and system, which enables emerging markets users to automatically spread and analyze historical financial statements of different companies, in relation to multiple currencies and exchange rates, for the purpose of financial forecasting (see figures 1, 5, 20). All reports may be shown in the currency input by the user, as another currency using an exchange rate input by the user or adjusted for inflation using an inflation rate input by the user. The '770 patent does not disclose a method and system for implementing a predetermined currency price for on-line sales which are transacted within a predetermined time period thereby limiting the risk associated with transacting commerce utilizing different currencies. Nor does the '770 patent disclose specifying a base currency, receiving a price denominated in a currency other than the base currency and displaying the information received denominated in the base currency in an online transaction on a host computer or in a transaction forum. Nor does the patent disclose computer executable code comprising instructions for causing a computer to perform these functions during an online transaction. The '770 patent also does not disclose a computer system for providing online transactions which creates a transaction forum, presents a request for bids on the forum, receives data descriptive of the transaction and then calculates a currency exchange according to an entered price and the data as claimed in the above-identified application.

SUMMARY

None of the above references provide for or teaches a method and system to implement a predetermined currency price for sales which are transacted within a predetermined time period. In particular, none of the above references teach an invention which provides for a continued risk assessment of the online transaction either in real time, at specified time intervals, or upon demand.

Other aspects of the present invention that are novel include utilizing a computerized communications network to input market data relating to a currency involved as well as sales volume transacted in that currency to calculate a current risk exposure. This invention can also be embodied as a computer communications system utilizing executable software stored on a server and executable on demand via the network access device or a computer executable program code residing on a computer-readable medium.

Further unique aspects of the present invention include that the currency price can be determined with a projected sales volume as well as market data. Sales volume can be calculated, for example, by extrapolating current sales data. In addition, a currency price can be negotiated using a step model wherein a currency price is determined based upon actual sales. For example, a first currency price can be available when an aggregated sales amount total falls within a first step of between \$0 and \$10,000. A second currency price can be available when the sum of the aggregated sales falls within \$10,001 to \$100,000. Still another currency price is available for the step ranging from \$100,000 to \$1,000,000, etc. An e-commerce participant can thereby be better positioned to offer a consumer competitive pricing by zeroing out the e-commerce participant's exposure to changes in currency price. In addition, the e-commerce participant and the consumer are insulated from fluctuations in a currency price. Accordingly, none of the above references teach these features.

Additionally, the present invention provides a powerful marketing tool to an electronic retailer or other sales agent. The e-commerce participant can give customers around the world a choice of currency with which the customer can consummate a transaction with, whereby the consumer is better enabled to access local markets globally. Also, a close relationship between a currency exchange institution and a client is created as an e-commerce participant. An e-buyer or e-seller can give the currency exchange institution information about their historical sales patterns to determine an expected volatility and volume of transactions. In addition, the present invention can utilize direct interfaces between the system of the currency exchange institution and the e-commerce participant in order to track transactions.

Other aspects of the present invention include deriving a spot price from the market at the time of the transaction. Another aspect allows for calculating an expected average amount of base and foreign currency to exchange and entering a forward contract to the end of predetermined time period to buy a base currency and sell a foreign currency for a quantity equal to the expected average amount. Transaction amounts relating to multiple transactions can also be aggregated such that currency can be exchanged according to the entered price in an amount equal to the aggregate amount. The aggregate amount to be transacted during the predetermined time period can be limited in size.

Another unique aspect of the present invention is that a change in spot price of the foreign currency can be limited wherein the exchange price can be changed if spot price exceeds the limit. Alternatively, an amount can be set aside which will not be exchanged from the foreign currency to the base currency. The amount set aside can be used to cover local costs related to the business at hand.

Implementations of the present invention can provide advantages such as real time calculation of risk exposure, continued risk assessment, planning capabilities for specified time period, removal of effects of currency fluctuation from consumer and e-commerce participant. A customer can record a price and be assured that the recorded price will remain available for a predetermined time period allowed for the currency exchange rate.